

U. S. SUPREME COURT UPHOLDS COAL TAX

Decides Pennsylvania Can
Levy on Anthracite and
Exempt Bituminous.

DISCRIMINATION LEGAL

Tribunal Dismisses Attack
on New York Central—
Lake Shore Merger.

GITLOW WINS APPEAL

Favorable Action Taken in
Case of Man Convicted
of Anarchy.

WASHINGTON, Nov. 27.—The United States Supreme Court decided today that States may impose a tax upon products produced within their borders before such products enter interstate commerce, even though other States are large consumers of such products and do not produce them.

The decision was made in a case challenging the constitutionality of the tax imposed by Pennsylvania upon anthracite and was issued by Justice McKenna. No dissents were noted.

New York, New Jersey, Delaware and the New England States had denounced the tax as giving to Pennsylvania a monopoly and as levying a tribute upon those States which do not produce, but must have anthracite as fuel.

It was contended that if the Supreme Court sustained the coal tax, wheat and corn producing States could tax such grains, the Southern States cotton, and manufacturing States could impose a tax on manufactured products. There is no pending in the Supreme Court involving an attack upon a tax imposed by Minnesota upon iron ore mined within its borders.

Regarding the contention that anthracite and bituminous coal are fuel and must be associated in the same class for taxation, and that not to associate them created inequality which made the tax invalid, Justice McKenna said that "it is competent for a State to exempt certain kinds of property and tax others, the restraints upon it only being against 'clear and hostile discriminations against particular persons and classes.' Discriminations merely are not prohibited, for, it was recognized that there are 'discriminations which the best interests of society require.'"

The court also dismissed the suit of the General Investment Company asking dissolution of the big railroad merger of 1915 in which the New York Central and Hudson River Railroad consolidated with the Lake Shore and Michigan Southern and seven other railroad lines.

The merger was attacked by the investment company, representing stockholders in the Lake Shore, on the ground that it violated the Clayton and Sherman anti-trust laws against monopolies.

The court held that no legal service in the suit had been obtained on the New York Central.

An appeal was granted to Benjamin Gitlow of New York city, convicted of criminal anarchy and sentenced to prison for five to ten years. Gitlow was business manager of *The Revolutionary Age* and was held responsible for articles advocating the overthrow of the American Government.

\$300,000 LOAN QUERY BARRED IN LIBEL SUIT

Senator Gerry Asked if He
Helped Hennessy's Paper.

PROVIDENCE, Nov. 27.—Senator Peter C. Gerry testified today that he had no knowledge of the article alleging that former Gov. R. Livingston Beekman, Mr. Gerry's opponent for the Senatorship in the recent campaign, and J. Henry Reuter, Mr. Beekman's campaign manager, had attempted to bribe Herve J. Lagace of Woonsocket with \$15,000 until he saw it published in the *Providence Evening Bulletin* on October 20.

The Senator was questioned for three-quarters of an hour in the trial of Mr. Beekman's complaint that John W. Hennessy, Henry D. Hamilton and Luke W. Keenan, officers of the Hope Publishing Company, publishers of the defendant newspaper, and Lagace had conspired falsely to accuse him of bribery.

John J. Fitzgerald, counsel for the publishing company and Lagace, objected to the question asked of Senator Gerry that he (Senator Gerry) had lent \$300,000 to the defendant publishing concern. His objection was sustained and the question ruled out.

DYING IN ICY WATER, FIRES GUN TO CALL AID

L. H. Hall Gets Help Too Late
After Break Through Ice.

Special Dispatch to THE NEW YORK HERALD.
ONE FORTY, N. Y., Nov. 27.—Lyman H. Hall, 23, manager of the preserve department of the Adirondack League Club, died yesterday from the breaking of the ice as he was walking across North Lake. He was carrying a long pole, which fell across the hole as he dropped through the ice. He held to this pole while he fired two shots with a revolver. By the time rescuers reached him and chopped him out of the ice he had been in the water two hours and was unconscious. He was taken to a cabin, but never regained consciousness.

G. M. WERNZ ACQUITTED OF SPRING GUN KILLING

Father of Victim Threatens to
Sue for Damages.

RIVERHEAD, L. I., Nov. 27.—George M. Wernz charged with the death of 14-year-old Frank Elser, a neighbor's son, who was killed by a spring gun set by Wernz as a protection to his fallow home, was acquitted to-night by a jury in the Suffolk County Court.

Young Elser was climbing through a window of the Wernz home in Wernz's absence on May 28 last, when the gun was discharged by the raising of the snub, fatally injuring the boy.

Joseph Elser, the dead boy's father, declared he intends instituting civil action against Wernz for damages.

Yonkers Limousines Take Coal as Deliveries Fail

POOR people of Yonkers are not the only ones who are having coal troubles these cold days. Automobiles, many of them handsome, high priced closed cars, have been calling at the coal yards to get bags of coal that the coal companies were not able to deliver, and last Sunday and yesterday lines of limousines were to be seen at Peene's coal pockets on Main street waiting for bags, which were hoisted through the windows. Coal was needed and could not be delivered, so the limousines were sent for it.

MONTCLAIR MATRON HAS 100TH BIRTHDAY

Mrs. Emily S. Voorhees Gets
Many Congratulations.

Mrs. Emily S. Voorhees, of Midland avenue, Montclair, celebrated her 100th birthday anniversary yesterday. A birthday cake with 100 candles was a feature.

Mrs. Voorhees was born in Princeton and her maiden name was Burroughs. She was married in Princeton in 1843 to Peter I. Voorhees, who died in 1882. Then Mrs. Voorhees and her five children went to Brooklyn, where they lived until going to Montclair. Only one of the five children is living.

Mrs. Voorhees received hundreds of messages of congratulation.

SMILES AT SENTENCE OF DEATH IN CHAIR

Half Breed Indian Killed One
of Three Wives.

Kay Pendleton Smith, half breed Indian, convicted of having stabbed his wife, Rose Smith, to death, listened calmly in Brooklyn yesterday while Supreme Court Justice Lazansky sentenced him to die in the electric chair during the week beginning January 5.

"I told the foreman to give the verdict with a smile," said Smith afterward. "I guess I can meet this with a smile. I might just as well."

Smith, who professed to be "a healer," killed his wife when she refused to return to him. Two other wives are still living.

CARMAN PLANT STARTS ANEW.

Carmen Plant, former county detective of Nassau, whose term in Sing Sing expired yesterday, did not return to his former home at Lynbrook. It was reported about Mineola last night that Plant has purchased a small farm in the Hudson Valley, where he would commence life anew.

INTER-MET HOLDERS TO HAVE BUS STOCK

May Convert Bonds Into Shares
of New Fifth Avenue Coach
Holding Company.

The protective committee of the Interborough-Metropolitan 4½ per cent. bondholders has proposed forming a new corporation to be known as the Fifth Avenue Bus Corporation as a means of readjusting and disposing of the stock of the New York Transportation Company held by the trustee in bankruptcy of the Interborough Consolidated Corporation. The New York Transportation Company is a holding concern own-

ing the entire capital stock of the Fifth Avenue Coach Company.

Under the plan the Interborough-Metropolitan committee would acquire 103,674 shares of stock in the New York Transportation Company held by the bankrupt estate. The committee represents \$61,200,000 of the \$63,805,000 bonds outstanding and constituting practically the sole claim against Consolidated assets.

The stock thus acquired is to be voted in the new corporation, which will issue therefor a sufficient number of no par value shares to furnish five shares for each \$1,000 Interborough-Metropolitan 4½ per cent. bond. This stock will be voted in voting trustees.

The committee representing the Interborough-Metropolitan 4½ per cent. bondholders has written to the trustee in bankruptcy of the Interborough Consolidated Corporation announcing its belief that the offer is fair in every way to the new bondholders and that a sale of New York Transportation Company at public auction would result in no better price, while causing additional expense and delay.

The new corporation proposes to acquire additional shares of New York Transportation Company stock, of which

131,436 are now in the hands of the public, and in place of the old stock issue new stock to be deposited with the voting trustees, who, under a voting trust agreement, shall function for five years and have the privilege of five successive renewals of the five year period.

The Fifth Avenue Bus Corporation has offered to purchase 103,674 shares of New York Transportation Company

stock held by the Interborough Consolidated Corporation at \$2,262.581, or \$37.50 a share, which was the price in the open market on November 16 last. This may be paid in whole or in part in cash, by surrender of receipts by owners of allowed claims against the estate of the Interborough Consolidated Corporation for \$2,262.581, or, if the court shall order that dividends in liquidation on

any claims in respect of Interborough-Metropolitan 4½ per cent. bonds shall be paid to bondholders, by presenting the bonds for notation thereon of an amount equal to the dividends distributable with respect to such bonds at the purchase price of the stock.

The official personnel of the Fifth Avenue Bus Corporation will be Grayson M. P. Murphy, president, Frederick

Strauss, vice-president, and D. Raymond Noyes, treasurer. The directorate will comprise Mr. Murphy, Charles H. Sabin, Charles S. Sargent, Jr., Mr. Strauss, Frederick T. Wood, Mr. Noyes and Stephen Van Ness.

It is understood that application will be made at once to list the stock on the New York Stock Exchange as voting trust certificates.

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